



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Pierre Gardner, Petitioner,
Full Name (under which you were convicted)

679513
Prisoner Number

Wisconsin Resource Center
Place of Confinement

vs.

_____, Respondent.
Authorized Person Having Custody of Petitioner

Docket No. **24-C-0196**
(to be supplied by Clerk)

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY

Caution: THIS IS NOT THE FORM TO BE USED, IF YOU CLAIM THAT YOUR FEDERAL SENTENCE OR CONVICTION IS UNLAWFUL, OR IF YOU ARE A PRETRIAL DETAINEE CHALLENGING YOUR PRECONVICTION CUSTODY, A FEDERAL PRISONER CHALLENGING THE EXECUTION OF YOUR SENTENCE OR AN ACTION TAKEN BY THE BUREAU OF PRISONS, OR A PERSON IN CUSTODY CHALLENGING AN IMMIGRATION-RELATED ORDER.

I. SUBJECT OF THIS PETITION

- A. Name and location of the state court that entered the judgment of conviction which you are challenging

Milwaukee County Circuit Court, Safety
Building Room 117, Branch 28, 821 West
State Street, Milwaukee, WI 53233

- B. Criminal docket or case number

2016CF004431

- C. Date of the judgment of conviction

1-25-2019

- D. Date of sentencing

4-5-2019

- E. Length of sentence

33 years confined 15 years supervision

- F. In this case, were you convicted on more than one count or of more than one crime?

☒ Yes

☐ No

- G. Identify all crimes of which you were convicted and sentenced in this case

939.63(1)(b) Use of a dangerous weapon
940.02(1) 1st Degree Reckless Homicide

- H. What was your plea? (Check one)

☐ Not guilty

☐ Guilty

☒ Insanity plea

☐ Nolo contendere (no contest)

If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

- I. If you went to trial, what kind of trial did you have? (Check one)

☒ Jury

☐ Judge only

SUBJECT OF THIS PETITION - continued

J. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☒ Yes

☐ No

If yes, state the type(s) of hearing or proceeding

Trial

II. DIRECT STATE APPEAL OF CONVICTION

A. Did you appeal from the judgment of conviction?

☒ Yes

☐ No

If yes, attach the decision(s) that resolved your appeal and answer the following questions:

1. Date of filing appeal 4-5-2019
2. Grounds raised 1ST Amendment violation, Unduly harsh sentence, ineffective assistance of counsel, Doctor never examined my side of the situation, Some Drawings & words
3. Result A no merit report was granted
4. Date 9-6-2023

B. Did you seek further review by the highest state court?

☐ Yes

☒ No

If yes, attach the decision(s) that resolved your petition for review and answer the following questions:

1. Date of filing of petition for review _____
2. Grounds raised _____

3. Result _____
4. Date _____

DIRECT STATE APPEAL OF CONVICTION - continued

C. Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes

☒ No

If yes, attach the decision(s) that resolved your petition for certiorari and answer the following questions:

1. Date of filing petition for certiorari _____

2. Grounds raised _____

3. Result _____

4. Date _____

III. STATE POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL

A. Other than the appeals listed above in Section II, have you previously filed any other state petitions, applications, or motions concerning this state judgment of conviction?

☒ Yes

☐ No

If yes, attach the decision(s) that resolved your application for state post-conviction relief and answer the following questions:

1. Name of court Circuit Court

2. Docket or case number 2016CF004431

3. Date of filing 12-18-2023

4. Type of petition, application, or motion filed Sentence Modification

5. Grounds raised 1ST Amendment violation

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☒ No

7. Result motion was denied

STATE POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL- continued

8. Date 1-9-2024

9. Did you appeal to the highest state court having jurisdiction over the action taken on your first state petition, application, or motion?

☐ Yes ☒ No

B. If you filed a second petition, application, or motion, attach the decision and answer the following questions:

1. Name of court Circuit Court

2. Docket or case number 2016CF004431

3. Date of filing Sometime in November, 2023

4. Type of petition, application, or motion filed 974.06

5. Grounds raised Duress at plea signing do to meds, 1ST Amendment Violation,

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

7. Result Terms were brought up in no merit report/denied

8. Date Sometime in December, 2023

9. Did you appeal to the highest state court having jurisdiction over the action taken on your second state petition, application, or motion?

☐ Yes ☒ No

C. If you filed a third petition, application, or motion, attach the decision and answer the following questions:

1. Name of court _____

2. Docket or case number _____

3. Date of filing _____

STATE POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL- continued

4. Type of petition, application or motion filed _____
5. Grounds raised _____

6. Did you receive a hearing where evidence was given on your petition, application, or motion?
☐ Yes ☐ No
7. Result _____
8. Date _____
9. Did you appeal to the highest state court having jurisdiction over the action taken on your third state petition, application, or motion?
☐ Yes ☐ No

IV. GROUND FOR RELIEF

For this petition, state every ground supporting your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court.

Ground One 1ST Amendment Violation

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

Proof I was exercising religion FACEBOOK:
Tahuti Keeper of all time & My Instagram:
KEEPER OF ALL TIME, now my religion is
called Black Egyptian a Nubian religion, my

GROUND FOR RELIEF - continued

religion is being violated on Exercising a sacrifice do to a oath violation, this sacrifice is being viewed as a kill & death, my religion counts this situation as a sacrifice because a oath was agreed & promised before the sacrifice therefore the oath filters the sacrifice as a sacrifice, Grounds are religion was exercised so no law violation.

If you did not exhaust your state remedies on Ground One, explain why.

Who ya'll know with a situation like this, A OATH! I had to come to the Federal Court, do that only Elites will understand.

Ground Two Wisconsin Constitution Article 1 Section 18. was violated

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

The Definition of Oath is A solemn promise or statement on something sacred with God as a witness, The Definition of Sacrifice is A offering of something precious to a God, These two words I've defined Both deal with God so I was deprived of Ground two because my God as the Universe for me to worship got me incarcerated for offering Nya to our God

GROUND FOR RELIEF - continued

If you did not exhaust your state remedies on Ground Two, explain why.

I couldn't explain this unique offering for the lower courts to understand, so I had to come to the Federal Court (Elites)

Ground Three Wisconsin Constitution Article 1
Section 9m

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

If Nya & Nya relatives felt as victim why wasn't a 9-1-1 call made, and on top of that I was on Social Security Income for a mental illness so I was incompetent making Nya no victim do to me having no H.S., E.D. or College Degrees as a competent person would have the certificates above which would make Nya a victim of that person who has such certificates above. Technically Nya isn't a victim so I shouldn't be held criminally responsible, I'm Incompetent

If you did not exhaust your state remedies on Ground Three, explain why.

This constitution is rarely used so that most courts found people are competent, so I'm using it now in Federal Court

GROUND FOR RELIEF - continued

Ground Four 14TH Amendment violation

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

My religion has been discriminated against by the circuit & Appeal Court, this violation & discrimination is uncaused for, and Also my religion is based on Nuhians way of life no offense I don't go by the Europeans or Arabics theory on my ancestors I have my own perspective which I'm entitled to, yet I'm looked at as if I come from a different planet, I have a source for my Factual beliefs which is Egypt

If you did not exhaust your state remedies on Ground Four, explain why.

I've expressed evidence for my religion in the lower courts but evidence wasn't accepted so I had to come to the federal Court (Elites)

V. PRIOR FEDERAL CHALLENGES

A. Have you previously filed any type of petition, application, or motion in a federal court regarding the state conviction that you are challenging in this petition?

☐ Yes

☒ No

If yes, attach the decision(s) that resolved your prior federal court challenge and answer the following questions:

1. Name of court _____

PRIOR FEDERAL CHALLENGES - continued

2. Docket or case number _____
3. Date of filing _____
4. Type of petition, application, or motion filed _____
5. Grounds raised _____

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

7. Result _____

8. Date _____

9. Did you appeal the action taken on your first federal petition, application, or motion to a federal court of appeals?

☐ Yes ☒ No

If yes, attach the decision(s) that resolved your appeal and answer the following questions:

- a. Name of court _____
- b. Docket or case number _____
- c. Date of filing _____
- d. Type of petition, application, or motion filed _____
- e. Grounds raised _____

PRIOR FEDERAL CHALLENGES - continued

f. Result _____

g. Date _____

B. Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes ☒ No

If yes, attach the decision(s) that resolved your petition for certiorari and answer the following questions:

1. Date of filing petition for certiorari _____

2. Grounds raised _____

3. Result _____

4. Date _____

VI. REPRESENTATION

A. Give the name and address of each attorney who represented you in the following:

1. At preliminary hearing Calvin Malone

2. At arraignment and plea hearing Calvin Malone

3. At trial Calvin Malone

4. At sentencing Calvin Malone

5. On direct appeal Lauren J. Breckenfelder

REPRESENTATION - continued

6. In any state post-conviction proceeding Lauren J. Breckenfelder

7. On appeal from any ruling against you in a state post-conviction proceeding _____

Lauren J. Breckenfelder

VII. REQUEST FOR RELIEF

State exactly what you want the court to do for you.

I want the court to release me do that Nya
knew what she promised & agreed to and
later Nya relatives became aware of our oath
which Nya told them she agreed & promised
to as my mate/babymama/Goddess,

VIII. DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, hereby declare under penalty of perjury that the foregoing information is true and correct.

Signed this 5TH day of February, 20 24.

Pierre Gardner

Signature of Petitioner

(Signature of lawyer, if any)

If you are signing the petition and are not the petitioner, state your relationship to the petitioner and explain why the petitioner is not signing this petition.

IX. CERTIFICATE OF INMATE MAILING - Optional

If you deposit your petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in your prison/institutional/jail mailing system and attach first-class postage pre-paid, and complete and sign this statement, you will establish the filing date as the date of deposit in that mailing system.

I, the undersigned, hereby declare under penalty of perjury that I placed this petition for a writ of habeas corpus under 28 U.S.C. § 2254 in the prison/institutional/jail mailing system with prepaid, first-class

postage on February 5, 2024
(month, day, year)

Signed this 5TH day of February, 2024.

Pierre Gardner
Signature of Petitioner